IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8459 OF 2007

Mrs.Anita Gajendra Aher & Ors. .. Petitioners

Versus

Yashwant Vasudev Natu .. Respondents

Mr.S.V.Pitre for petitioners

Mr.S.S.Kanetkar for respondent

CORAM : S.C.DHARMADHIKARI, J.

DATE : 10th December 2007

P.C.

. The only request made by the learned Counsel for petitioners is that in the light of the order passed by the executing court, they may have to make alternate arrangement. However,

considering that they have been in the premises for some time and further, the families are also occupying with them, it would be appropriate and fair, if some time be granted to vacate the suit premises.

2. Mr.Kanetkar upon taking instructions states that time to vacate could be granted not beyond what is already provided in the orders of this court in other proceedings. His instructions are to agree for 31st May 2008.

3. In my view, in the facts peculiar to this case and considering that the family members would have to make alternate arrangements, six months time to vacate the premises is granted, provided the petitioners file an undertaking in the executing court in the following terms:-

(a) that the petitioners shall vacate the premises on or before 30th June 2008;

(b) that the petitioners shall not create any third party interest in the suit premises nor shall they dispose of or encumber the same or part with possession of the same;

(c) that the petitioners shall keep on paying rent, if any, to the respondent for the period they are in occupation of the suit premises.

(d) Undertaking is to be executed in the court within two weeks from today;

Petition disposed of with the aforesaid directions. No costs.

(S.C.Dharmadhikari, J)